

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Ronda A. Mettey	:	
	:	
Plaintiff,	:	CASE No. <u>C-1-02 398</u>
vs.	:	
	:	Judge Spiegel
American Family Mutual Insurance	:	
Company, et al	:	Magistrate
	:	
Defendants.	:	PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT'S SUMMARY J U D G M E N T M O T I O N ; MEMORAMDUM IN SUPPORT

Plaintiff by her undersigned attorney moves for an extension of time to respond to Defendants' Motion for Summary Judgment (Doc. 28, filed on July 20, 2004). Plaintiff has filed a Motion to Compel Production of a computer print-out. Plaintiff requests that the date for response to Defendants' Summary Judgment Motion be set twenty days after the delivery of a print-out of the computer tape in Defendants possession, or twenty days from a ruling in Defendants favor on a Motion to Compel production. Defendants' attorney having been consulted does not oppose this motion for an extension of time.

/s/ John A. Rebel
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MEMORANDUM IN SUPPORT

Subsequent to the Settlement Conference, the parties have been attempting to resolve this matter. Recently, August 4th, Plaintiff's revised proposal was not accepted. The Discovery and Dispositive Motion cut-off date is July 13th, Defendant filed its Summary Judgment Motion on July 20th. Plaintiff's reason for an extension of time is that settlement had seemed likely and essential evidence, a computer tape print-out has not been received.

During January 2004, Plaintiff delivered to Defendant a computer tape with the understanding that it would be reviewed and data printed and shared. Plaintiff viewed the tape and on numerous occasions requested print-outs of certain files. Defendants have failed to provide print-outs of the computer tape files. The files evidence the nature and volume of services that Plaintiff performed. The files contain calendars and notes. These files are essential to Plaintiff's responding to the Motion for Summary Judgment. A few additional documents were requested but not provided: a survey submitted by Plaintiff, a copy of an insurance application for a member of Richard Robinson's household and Richard Robinson's district meeting agendas.

Plaintiff is filing her Motion to Compel production of the print-out of the tape, and the other documents.

Plaintiff requests that the time to file the Summary Judgment be extended, with the response time set at twenty days after the delivery of the printout of the computer tape.

/s/ John A. Rebel
John A. Rebel (0031771)
Attorney for Plaintiff

CERTIFICATION OF SERVICE

The undersigned hereby certifies that the foregoing Motion is served upon Geraldine Johnson, Attorney for Defendants, by ordinary mail and electronic transmission to Roetzel & Andress, 250 E. 5th Street, Suite 310, Cincinnati, Ohio, 45202 on this 6th day of August 2004.

/s/ John A. Rebel
John A. Rebel (0031771)
Attorney for Plaintiff